

**ELECTRONICALLY FILED
DECEMBER 12, 2006**

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USA Capital First Trust Deed Fund, LLC*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:) BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY) Chapter 11
Debtor)

In re:) BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,) Chapter 11
Debtor.)

In re:) BK-S-06-10729-LBR
USA SECURITIES, LLC,) Chapter 11
Debtor.)

Affects)
☒ All Debtors)
☐ USA Commercial Mortgage Co.)
☐ USA Securities, LLC) DATE: December 19, 2006
☐ USA Capital Realty Advisors, LLC) TIME: 10:00 a.m.
☐ USA Capital Diversified Trust Deed)
☐ USA First Trust Deed Fund, LLC)

**EX PARTE MOTION FOR LEAVE OF COURT TO FILE JOINT BRIEF(S) IN
SUPPORT OF CONFIRMATION IN EXCESS OF TWENTY (20) PAGES**

The Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee") on behalf of itself and the other Official Committees appointed in the above-captioned bankruptcy cases (the "Official Committees"), and the Debtors in the above-captioned bankruptcy cases (collectively "Movants"), hereby files this Ex Parte Motion for Leave of Court to File a Joint Brief(s) in Support of Confirmation in Excess of Twenty (20) Pages (the "Motion"), whereby Movants respectfully request that this Court allow Defendants to file one or more¹ joint briefs in support of confirmation of the Plan in excess of the 20 page limit prescribed by Local Rule 9014(e). This Motion is based upon the following Points and Authorities, and the pleadings, papers and records on file in this case.

DATED this 12th day of December, 2006.

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¹ While one omnibus brief is currently contemplated, different positions may be taken by different constituencies, which may necessitate additional pleadings.

POINTS AND AUTHORITIES

I. BACKGROUND

As this Court is aware, the USA bankruptcy cases are large and complex cases, including five Debtors, four official committees and numerous and complex issues regarding confirmation. In order to adequately address all of the issues without unnecessary and costly duplication of efforts, the Movants seek to file a joint brief(s) in support of confirmation. In order to do so, it is submitted that Movants will need to exceed the 20 page limitation on length. The brief will include an index (table of contents) and table of authorities pursuant to Local Rule 9014(e).

Movants have no objection to other parties filing oversized briefs, and accordingly, such parties will not be prejudiced by this request.

II. LEGAL ARGUMENT

Local Rule 9014(e) provides in relevant part that:

Unless the court orders otherwise, prehearing and posthearing briefs and points and authorities in support of, or in response to, motions are limited to 20 pages including the motion but excluding exhibits....When the court enters an order permitting a longer brief or points and authorities, the papers must include an index, table of contents, and table of authorities.

III. CONCLUSION

Based on the foregoing, it is respectfully requested that the Court grant the Motion and allows the Movants to file one or more joint briefs in support of confirmation which exceed the

20 page limit.

DATED this 12th day of December, 2006.

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